

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KATHLEEN HENNESSEY,)
)
Plaintiff,)
)
vs.) Case No.
)
MEDICREDIT, INC.,)
)
Defendant.)

NOTICE OF REMOVAL

Defendant Medicredit, Inc. (“Medicredit” or “Defendant”) hereby files its Notice of Removal of the above-captioned case to this Court and, and in support of removal, respectfully states as follows:

1. Medicredit is named as defendant in Civil Action No. 1822-CC00047 filed in the Circuit Court of the City of Saint Louis, Missouri, styled Kathleen Hennessey v. Medicredit, Inc. (the “State Court Action”).

2. The Petition in the State Court Action was filed with the Clerk of the Circuit Court of the City of Saint Louis on or about January 9, 2018. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings and orders served upon Defendant in the State Court Action are attached hereto as **Exhibit A**.

3. In the State Court Action, Plaintiff alleges that Defendant violated a federal statute, the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (“FDCPA”).

4. Any civil action is removable if the plaintiff could have originally brought the action in federal court. See 28 U.S.C. § 1441(a).

5. Under 28 U.S.C. § 1331 this Court has original federal question jurisdiction over Plaintiff’s FDCPA claims.

6. Accordingly, pursuant to 28 U.S.C. § 1441(a), Defendant has the right to remove the State Court Action to this Court, without regard to the citizenship or residency of the parties or the amount in controversy.

7. Defendant was formally served with the Summons and Petition on January 9, 2018. This removal is therefore timely pursuant to 28 U.S.C. § 1446(b).

8. By this Notice of Removal, Defendant does not waive any defense, jurisdictional or otherwise, which it may possess. Defendant also does not concede that Plaintiff has stated a claim against it.

WHEREFORE, in accordance with the authorities set forth above, Defendant hereby removes this action from the Circuit Court of the City of Saint Louis, Missouri, to the United States District Court for the Eastern District of Missouri.

DATED this 8th day of February, 2018.

Respectfully submitted,
SPENCER FANE LLP

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically with the United States District Court for the Eastern District of Missouri, this 8th day of February, 2018, with a true copy mailed, first class postage prepaid, to:

James W. Eason
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St. Louis, MO 63105

Attorneys for Plaintiff

/s/ Ryan C. Hardy
